

VZCZCXRO5757

OO RUEHAO RUEHCD RUEHGA RUEHGD RUEHHA RUEHHO RUEHMC RUEHMT RUEHNG  
RUEHNL RUEHRD RUEHRG RUEHRS RUEHTM RUEHVC  
DE RUEHTG #1240/01 3362215  
ZNY CCCCC ZZH  
O 022215Z DEC 09  
FM AMEMBASSY TEGUCIGALPA  
TO RUEHC/SECSTATE WASHDC IMMEDIATE 1234  
INFO RUEHWH/WESTERN HEMISPHERIC AFFAIRS DIPL POSTS IMMEDIATE  
RHMFISS/CDR JTF-BRAVO IMMEDIATE  
RUEAIIA/CIA WASHDC IMMEDIATE  
RHMFISS/COMSOC SOUTH IMMEDIATE  
RHEFDIA/DIA WASHINGTON DC IMMEDIATE  
RUEIDN/DNI WASHINGTON DC IMMEDIATE  
RHEHNSC/NSC WASHDC IMMEDIATE  
RUMIAAA/USSOUTHCOM MIAMI FL IMMEDIATE

C O N F I D E N T I A L SECTION 01 OF 02 TEGUCIGALPA 001240

SIPDIS

E.O. 12958: DECL: 11/24/2010

TAGS: [PGOV](#) [PINR](#) [KDEM](#) [HO](#) [PHUM](#)

SUBJECT: TFH01: PRO-COUP OPINIONS ON THE NOQH COAST AND  
CONGRESS

REF: A. TEGUCIGALPA 989

[1](#)B. TEGUCIGALPA 763

Classified By: Ambassador Hugo Llorens, reasons 1.4 (b) and (d)

[1](#)1. (C) This is the fifth and final cable in a series regarding meetings held by Poloff and visiting DRL Deskoff October 13-20 to obtain a better understanding of the human rights situation in Honduras since the June 28 coup d'etat. DRL Deskoff and Poloff met on October 13 with three members of the Honduran Congress to discuss human rights allegations and the political crisis. Dr. Juan Velasquez Nazar of the Christian Democratic party and Antonio Rivera Callejas of the National party argued that anti-coup protests have not been peaceful and that there have been human rights violations by both sides to the conflict. Liberal Party and anti-coup congresswoman Argentina Valle disagreed with their assessment and said Congress should have been allowed its constitutional right to vote in favor or against the September 26 executive decree that suspended civil and political rights and was later revoked. In La Ceiba, DRL and Poloff met various members of the business community, including former Minister of Health Elias Lizardo under President Maduro (2002-2006). These pro-coup businessmen and private sector leaders made legalistic arguments to justify the coup, expressed concern that the US had not sufficiently supported the rule of law prior to June 28, and argued that President Jose Manuel "Mel" Zelaya had stretched Honduran democracy to its limit. End Summary.

Pro-coup Opinions in Congress  
-----

[1](#)2. (C) DRL Deskoff and Poloff met on October 13 in Tegucigalpa with representatives from the three major parties in Congress. In attendance at the meeting was third vice president of Congress and Christian Democrat party member Dr. Juan Ramon Velasquez Nazar, National Party Congressman Antonio Cesar Rivera Callejas, and Liberal party Congresswoman Argentina Valle (Note: Valasquez Nazar was pushed and verbally assaulted by anti-coup protestors on August 12. End Note.) (see reftel A). In a conversation that was frank but cordial, Callejas asserted thaQhe allegations of human rights violations in Honduras had been exaggerated and that anti-coup protests were not as peaceful as some believed. Rivera blamed President Zelaya for many of the disturbances and polarization since September 22 because, as Rivera argued, it was President Zeleya who decided to return to Honduras. Congressman Cellejas made the argument that what occurred on June 28 was not a coup d'etat because, according to his interpretation of Article 239 of the Honduran constitution, President Zelaya ceased being

President immediately when he promoted the idea of a constituent assembly. Poloff challenged this argument by responding that article 239 does not waive the constitutional guarantees of due process and the presumption of innocence, which were completely ignored on June 28.

13. (C) Third vice president and Christian Democrat, Dr. Velasquez Nazar, told DRL Deskoff and Poloff that from his perspective much disinformation and rumors exist in the current environment, especially with regard to the human rights situation. Liberty party Congresswoman and vocal anti-coup organizer Argentina Valle disagreed with Velasquez Nazar, and said that the response of security forces to anti-coup protests had been disproportionate and that the application of the September 26 executive decree that suspended civil rights and resulted in the closure of two media outlets was illegal because Congress had not been allowed to vote on the decree (ref A). Valle concluded by asserting that political persecution was so blatant, that she had not received her congressional salary in three months and that she believed this was because of her public statements against the coup. (Valle later told Poloff that three days later she was unexpectedly paid her back salary. She told Poloff she believed she had been paid because she had mentioned the issue in front of third congressional vice president Velasquez Nazar and in the presence of DRL Deskoff and Poloff).

#### Pro-Coup Opinions on the North Coast

-----

14. (C) DRL Deskoff and Poloff met with environmental activist

TEGUCIGALP 00001240 002 OF 002

and USAID project director Jose Herrero in La Ceiba, Atlantida Department on October 16 and 17. Herrero hosted a meeting with local businessmen and private sector leaders, including lawyer Romulo Antonio Pinel Gallardo, businessman and retired member of the Honduran military, Gustavo Garcia, and the former Minister of Health under President Maduro, Elias Lizardo. This group expressed concern to DRL Deskoff and Poloff that the biggest challenge facing Honduras was a disrespect for the rule of law and impunity, because the law does not apply equally to the rich as it does to the poor. While the rich can bribe judges and use other means, based on their social and economic standing to insulate themselves from penalties imposed by the law, and can conduct themselves in a manner that is above the law, the poor do not have these advantages. Garcia, a retired member of the Honduran military, expressed admiration for the US military's assistance to the Honduran military since the 1980s, but told DRL Deskoff and Poloff that the US had not supported the advancement of the rule of law and had maintained relationships with wealthy Hondurans that only reinforced the staunch and recalcitrant position held by the oligarchy in Honduras. Poloff told Garcia that the US appreciated the close cooperation of the Honduran military before June 28. However, Poloff disagreed with Gustavo's contention that the US is responsible for the continued political and economic dominance of the country by the small and very wealthy Honduran elite. Poloff and DRL Deskoff said that, on the contrary, the policy of the US government since the 1980s had actually been to reinforce and support the development of democracy and rule of law in Honduras and increase opportunity for those at the bottom of the socio-economic ladder.

15. (C) With regard to President Zelaya's removal, the group of businessmen and private sector leaders in La Ceiba attempted to justify the removal of President Zelaya. Lawyer Romulo Pinel argued that given President Zelaya's disregard for the law, his removal was necessary. Gustavo Garcia, the retired member of the Honduran military and local businessman, told Poloff in a side conversation that while President Zelaya's removal may have "stretched the law," it was a necessary evil given President Zelaya's alliance with

Venezuelan President Hugo Chavez.

¶6. (C) The former Minister of Health under President Maduro, Elias Lizardo, now a resort developer on Roatan, told Poloff and DRL Deskoff during a meeting on October 17 that President Zelaya's removal was legal because under Article 239 of the Honduran Constitution, Zelaya ceased being president the moment he suggested reelection. Poloff replied that the "immediate application" of a law against an individual did not stand up to the due process and presumption of innocence provisions provided by the Honduran constitution. To this argument, Lizardo replied that Honduran democracy was young and not perfect. While Lizardo described President Zelaya's idea to hold a constituent assembly as a "good idea in the wrong format," Lizardo opined that Zelaya was a crook and that unlike leaders in the past, Zelaya had "worn us down systematically and created deep trenches amongst the Honduran people."

¶7. (C) Comment: The views of these pro-coup Congressmen, businessmen and other private sector leaders are noteworthy in that they are representative examples of an argument prevailing among certain segments of Honduran society that Article 239 of the constitution required that President Zelaya be immediately stripped of his office when he proposed reform of specified articles of the constitution that the constitution says cannot be reformed. However, none of these arguments make the case for how President Zelaya's alleged crimes justified forcibly flying the democratically elected president out of the country without due process of law, or the National Congress's patently unconstitutional decree removing him from office.

LLORENS